



PATENT
Docket No.: 2283/201

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Margret Maria Sauter and Rene Lorbiecke

Serial No. : 09/785,738

Cnfrm. No. : 3348

Filed : February 16, 2001

For : ALTERATION OF GROWTH AND ADAPTATION UNDER HYPOXIC
CONDITIONS

TRANSMITTAL LETTER

Assistant Commissioner For Patents
Washington, D.C. 20231

Dear Sir:

In response to the Notice of Incomplete Reply (Nonprovisional) Under 37 CFR 1.53(b), which was mailed by the United States Patent and Trademark Office on **July 12, 2001** enclosed are:

- A Request for Three-Month Extension of Time.
- Response to Notice of Incomplete Reply.
- A copy of the Notice of Incomplete Reply (Nonprovisional).
- Supplemental Preliminary Amendment.
- A self-addressed, prepaid postcard for acknowledging receipt.
- Fees as calculated below:

SURCHARGE 37 CFR 1.16(e)	\$
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ADDITIONAL FEES	\$
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TOTAL FEES SUBMITTED HEREWITH	\$
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- Other: Statement Under 37 C.F.R. Section 1.825(a) and (b); Paper Copy of Sequence Listing and Computer Readable Form of Sequence Listing on Diskette.
- The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 14-1138. A duplicate copy of this sheet is enclosed.

Date: August 17, 2001


Ann R. Pokalsky
Registration No. 34,697

Nixon Peabody LLP
990 Stewart Avenue
Garden City, New York 11530-4838
Telephone: (516) 832-7572
Facsimile: (516) 832-7555
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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

Identify that the attached correspondence is being deposited
on 8/17/01 with the U.S. Postal Service as first class mail
under 37 C.F.R. § 1.8 and addressed to:
Assistant Commissioner for Patents, Washington, D.C. 20231.
Box: Margaret Maria Sauter
Signature: Maria I. Matos



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D. C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/785,738	02/16/2001	Margret Maria Sauter	2283/201

CONFIRMATION NO. 3348

FORMALITIES LETTER



OC00000006286802

Ann R. Pokalsky, Esq.
NIXON PEABODY LLP
990 Stewart Avenue
Garden City, NY 11530

Date Mailed. 07/12/2001

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on to the Notice mailed and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Ngan

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PATENT
Docket No.: 2283/201

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Margret Maria Sauter et al.)	Examiner:
Serial No. :	09/785,738)	Unknown
Cnfrm. No. :	3348)	Art Unit:
Filed :	February 16, 2001)	Unknown
For :	ALTERATION OF GROWTH AND ADAPTATION UNDER HYPOXIC CONDITIONS)	

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO NOTICE OF INCOMPLETE REPLY

Sir:

In response to the Notice of Incomplete Reply dated July 12 2001, Applicants are submitting herewith a substitute paper copy of the Sequence Listing and the corresponding substitute computer readable form (CRF) of the Sequence Listing.

Also submitted herewith is a Supplemental Preliminary Amendment directing entry of the paper copy of the Sequence Listing into the above-captioned application. In addition, Applicants are submitting herewith a statement under 37 C.F.R. § 1.825(a) and (b) that the information recorded in the substitute CRF is identical to the substitute paper copy of the Sequence Listing and that the submission of both the substitute paper copy and the CRF does not introduce new matter to the application as originally filed.

It is respectfully submitted that Applicants previously received a Notice to File Missing Parts, *Filing Date Granted*. In response to that Notice, on May 18, 2001, Applicants filed a substitute paper copy and initial computer readable form (CRF) of the Sequence Listing. If there were problems with the CRF of the Sequence Listing, such problems should have been noted **and the file forwarded to the Examiner**. The Examiner would have sent to Applicants a Notice to Comply with Sequence Rules rather than a Notice of Incomplete Reply. In addition, the Examiner would have indicated that since the previous reply appeared

to be a *bona fide* attempt to comply with the requirements of the sequence rules, Applicant had one month from the mailing date of such notice to comply.

Insomuch as Applicants believe the Patent Office erred in mailing a second notice and "Filing date Granted," the period of reply should not have remained as set forth in the first notice. Rather, as explained above, Applicants should have been given one month from the mail date of a communication from the Examiner, to correct any deficiencies remaining in the CRF of the Sequence Listing.

Notwithstanding Applicants' position, Applicants have included a petition for a three month extension of time with authorization to charge Deposit Account No. 14-1138.

Applicants respectfully request however, that the correctness of inflicting fees for a three month extension of time be confirmed prior to debiting the account. Finally, it is submitted that Applicants are making this request in order to cut down on time and paper in having to request a refund for the amount of \$445.00.

Respectfully submitted,

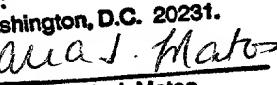

Ann R. Pokalsky
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Dated: August 17, 2001

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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I certify that the attached correspondence is being deposited on 8/17/01 with the U.S. Postal Service as first class mail under 37 C.F.R. § 1.8 and addressed to:
Assistant Commissioner for Patents, Washington, D.C. 20231.
Box: Missing parts 
Maria I. Matos



PATENT
Docket No.: 2283/201

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Applicant(s): Margret Maria Sauter et al.)
Serial No. : 09/785,738) Examiner: Unknown
Cnfrm. No. : 3348)
Filed : February 16, 2001) Art Unit: Unknown
For : ALTERATION OF GROWTH AND)
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CONDITIONS)

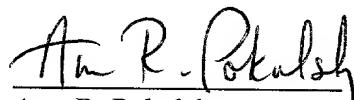
STATEMENT UNDER 37 C.F.R. § 1.825(a) AND (b)

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I hereby state that support for the substitute paper copy of the Sequence Listing exists in the above-captioned application as originally filed. The substitute paper copy of the Sequence Listing submitted herewith does not add new matter to the application as originally filed. In addition, the information recorded in the substitute computer readable form (CRF) of the Sequence Listing submitted herewith, is identical to the information contained in the substitute paper copy of the Sequence Listing.

Respectfully submitted,


Ann R. Pokalsky
Registration No. 34,697

Dated: August 17, 2001

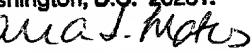
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G198266.1

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Box - missing parts 

Maria I. Matos